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Title 38, Part 4

Schedule for Rating Disabilities

Veterans Benefits Administration

Supplement No. 56

Covering period of *Federal Register* issues
through September 1, 2017

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GENERAL INSTRUCTIONS

Custom Federal Regulations Service™

Supplemental Materials for *Book C*

Code of Federal Regulations

Title 38, Part 4

Schedule for Rating Disabilities

Veterans Benefits Administration

Supplement No. 56

5 September 2017

Covering the period of Federal Register issues
through September 1, 2017

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FILING INSTRUCTIONS

**Book C, Supplement No. 56
September 5, 2017**

<i>Remove these <u>old pages</u></i>	<i>Add these <u>new pages</u></i>	<i>Section(s) <u>Affected</u></i>
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HIGHLIGHTS

Book C, Supplement No. 56 September 5, 2017

Supplement Highlights references: Where substantive changes are made in the text of regulations, the paragraphs of *Highlights* sections are cited at the end of the relevant section of text. Thus, if you are reading §3.263, you will see a note at the end of that section which reads: “Supplement *Highlights* references—6(2).” This means that paragraph 2 of the *Highlights* section in Supplement No. 6 contains information about the changes made in §3.263. By keeping and filing the *Highlights* sections, you will have a reference source explaining all substantive changes in the text of the regulations.

Supplement frequency: This Book C (*Schedule for Rating Disabilities*) was originally supplemented four times a year, in February, May, August, and November. Beginning 1 August 1995, supplements will be issued *every month* during which a final rule addition or modification is made to the parts of Title 38 covered by this book. Supplements will be numbered consecutively as issued.

Modifications in this supplement include the following:

1. On 3 August 2017, the VA published a final rule effective 10 September 2017, to revise the portion of the schedule that addresses dental and oral conditions. The effect of this action is to ensure that the rating schedule uses current medical terminology and to provide detailed and updated criteria for evaluation of dental and oral conditions for disability rating purposes. Changes:

- In §4.150, added Notes to the beginning of the table
- In §4.150, revised entries for diagnostic codes 9900, 9902, 9903, 9904, 9905, 9911 and 9916
- In §4.150, removed diagnostic codes 9906, 9907 and 9912
- In §4.150, added diagnostic codes 9917 and 9918
- Amended Appendices A, B and C to reflect these changes.



Dental and Oral Conditions

4.149 [Reserved]
 4.150 Schedule of ratings—dental and oral conditions 4.150-1

§4.149 [Reserved]

[59 FR 2530, Jan. 18, 1994; removed and reserved 64 FR 30393, June 8, 1999]

Supplement *Highlights* reference: 7(2), 26(1).

§4.150 Schedule of ratings—dental and oral conditions.

Rating

Note (1): For VA compensation purposes, diagnostic imaging studies include, but are not limited to, conventional radiography (X-ray), computed tomography (CT), magnetic resonance imaging (MRI), positron emission tomography (PET), radionuclide bone scanning, or ultrasonography.

Note (2): Separately evaluate loss of vocal articulation, loss of smell, loss of taste, neurological impairment, respiratory dysfunction, and other impairments under the appropriate diagnostic code and combine under §4.25 for each separately rated condition.

9900	Maxilla or mandible, chronic osteomyelitis, osteonecrosis or osteoradionecrosis of: Rate as osteomyelitis, chronic under diagnostic code 5000.	
9901	Mandible, loss of, complete, between angles.....	100
9902	Mandible, loss of, including ramus, unilaterally or bilaterally: Loss of one-half or more, Involving temporomandibular articulation Not replaceable by prosthesis..... Replaceable by prosthesis Not involving temporomandibular articulation Not replaceable by prosthesis..... Replaceable by prosthesis Loss of less than one-half, Involving temporomandibular articulation Not replaceable by prosthesis..... Replaceable by prosthesis Not involving temporomandibular articulation Not replaceable by prosthesis..... Replaceable by prosthesis	70 50 40 30 70 50 20 10
9903	Mandible, nonunion of, confirmed by diagnostic imaging studies: Severe, with false motion..... Moderate, without false motion	30 10
9904	Mandible, malunion of: Displacement, causing severe anterior or posterior open bite..... Displacement, causing moderate anterior or posterior open bite..... Displacement, not causing anterior or posterior open bite.....	20 10 0
9905	Temporomandibular disorder (TMD):: Interincisal range: 0 to 10 millimeters (mm) of maximum unassisted vertical opening. With dietary restrictions to all mechanically altered foods..... Without dietary restrictions to mechanically altered foods..... 11 to 20 mm of maximum unassisted vertical opening.	50 40

With dietary restrictions to all mechanically altered foods.....	40
Without dietary restrictions to mechanically altered foods.....	30
21 to 29 mm of maximum unassisted vertical opening.	
With dietary restrictions to full liquid and pureed foods	40
With dietary restrictions to soft and semi-solid foods	30
Without dietary restrictions to mechanically altered foods.....	20
30 to 34 mm of maximum unassisted vertical opening.	
With dietary restrictions to full liquid and pureed foods	30
With dietary restrictions to soft and semi-solid foods	20
Without dietary restrictions to mechanically altered foods.....	10
Lateral excursion range of motion:	
0 to 4 mm	10
Note (1): Ratings for limited interincisal movement shall not be combined with ratings for limited lateral excursion.	
Note (2): For VA compensation purposes, the normal maximum unassisted range of vertical jaw opening is from 35 to 50 mm.	
Note (3): For VA compensation purposes, mechanically altered foods are defined as altered by blending, chopping, grinding or mashing so that they are easy to chew and swallow. There are four levels of mechanically altered foods: full liquid, puree, soft, and semisolid foods. To warrant elevation based on mechanically altered foods, the use of texture-modified diets must be recorded or verified by a physician.	
9908 Condylod process, loss of, one or both sides	30
9909 Coronoid process, loss of:	
Bilateral.....	20
Unilateral.....	10
9911 Hard palate, loss of:	
Loss of half or more, not replaceable by prosthesis.....	30
Loss of less than half, not replaceable by prosthesis.....	20
Loss of half or more, replaceable by prosthesis	10
Loss of less than half, replaceable by prosthesis.....	0
9913 Teeth, loss of, due to loss of substance of body of maxilla or mandible without loss	
Where the lost masticatory surface cannot be restored by suitable prosthesis:	
Loss of all teeth.....	40
Loss of all upper teeth	30
Loss of all lower teeth	30
All upper and lower posterior teeth missing	20
All upper and lower anterior teeth missing	20
All upper anterior teeth missing	10
All lower anterior teeth missing	10
All upper and lower teeth on one side missing	10
Where the loss of masticatory surface can be restored by suitable prosthesis	0

Note: These ratings apply only to bone loss through trauma or disease such as osteomyelitis, and not to the loss of the alveolar process as a result of periodontal disease, since such loss is not considered disabling.

- 9914** Maxilla, loss of more than half:
 - Not replaceable by prosthesis100
 - Replaceable by prosthesis50

- 9915** Maxilla, loss of half or less:
 - Loss of 25 to 50 percent:
 - Not replaceable by prosthesis40
 - Replaceable by prosthesis30
 - Loss of less than 25 percent:
 - Not replaceable by prosthesis20
 - Replaceable by prosthesis0

- 9916** Maxilla, malunion or nonunion of:
 - Nonunion,
 - With false motion30
 - Without false motion10
 - Malunion,
 - With displacement, causing severe anterior or posterior open bite30
 - With displacement, causing moderate anterior or posterior open bite.....10
 - With displacement, causing mild anterior or posterior open bite0

Note: For VA compensation purposes, the severity of maxillary nonunion is dependent upon the degree of abnormal mobility of maxilla fragments following treatment (i.e., presence or absence of false motion), and maxillary nonunion must be confirmed by diagnostic imaging studies.

- 9917** Neoplasm, hard and soft tissue, benign:
 - Rate as loss of supporting structures (bone or teeth) and/or functional impairment due to scarring.

- 9918** Neoplasm, hard and soft tissue, malignant100

Note: A rating of 100 percent shall continue beyond the cessation of any surgical, radiation, antineoplastic chemotherapy or other therapeutic procedure. Six months after discontinuance of such treatment, the appropriate disability rating shall be determined by mandatory VA examination. Any change in evaluation based upon that or any subsequent examination shall be subject to the provisions of §3.105(e) of this chapter. If there has been no local recurrence or metastasis, rate on residuals such as loss of supporting structures (bone or teeth) and/or functional impairment due to scarring.

[29 FR 6718, May 22, 1964, as amended at 43 FR 45362, Oct. 2, 1978; 59 FR 2530, Jan. 18, 1994; 82 FR 36083, Aug. 3, 2017]

Supplement Highlights references: 7(2), 56(1).

End of Part 4

9421	Added November 7, 1996; Title August 4, 2014.
9422	Added November 7, 1996; Title August 4, 2014.
9423	Added November 7, 1996; Title August 4, 2014.
9424	Added November 7, 1996; Title August 4, 2014.
9425	Added November 7, 1996; Title August 4, 2014.
9431	Added November 7, 1996.
9432	Added November 7, 1996.
9433	Added November 7, 1996; Title August 4, 2014.
9434	Added November 7, 1996.
9435	Added November 7, 1996; Title August 4, 2014.
9440	Added November 7, 1996.
9500	Criterion March 10, 1976; criterion February 3, 1988.
9501	Criterion March 10, 1976; criterion February 3, 1988.
9502	Criterion March 10, 1976; criterion February 3, 1988.
9503	Removed March 10, 1976.
9504	Criterion September 9, 1975; removed March 10, 1976.
9505	Added March 10, 1976; criterion February 3, 1988.
9506	Added March 10, 1976; criterion February 3, 1988.
9507	Added March 10, 1976; criterion February 3, 1988.
9508	Added March 10, 1976; criterion February 3, 1988.
9509	Added March 10, 1976; criterion February 3, 1988.
9510	Added March 10, 1976; criterion February 3, 1988.
9511	Added March 10, 1976; criterion February 3, 1988.
9520	Added November 7, 1996.
9521	Added November 7, 1996.
4.132	Re-designated as §4.130 November 7, 1996.
4.150	9900 Criterion September 22, 1978; criterion February 17, 1994; title September 10, 2017.
	9901 Criterion February 17, 1994.
	9902 Criterion February 17, 1994; evaluation September 10, 2017; title September 10, 2017.
	9903 Criterion February 17, 1994; evaluation September 10, 2017; title September 10, 2017.
	9904 Criterion September 10, 2017.
	9905 Criterion September 22, 1978; evaluation February 17, 1994; evaluation September 10, 2017; title September 10, 2017.
	9906 Removed September 10, 2017.
	9907 Removed September 10, 2017.
	9910 Removed February 17, 1994.
	9911 Criterion and title September 10, 2017.
	9912 Removed September 10, 2017.
	9913 Criterion February 17, 1994.
	9914 Added February 17, 1994.
	9915 Added February 17, 1994.
	9916 Added February 17, 1994; criterion September 10, 2017.

9917 Added September 10, 2017.
9918 Added September 10, 2017.

[29 FR 6718, May 22, 1964, as amended at 34 FR 5064, Mar. 11, 1969; 40 FR 42541, Sept. 15, 1975; 41 FR 11291, Mar. 18, 1976; 41 FR 34258, Aug. 13, 1976; 43 FR 45362, Oct. 2, 1978; 46 FR 43666, Aug. 31, 1981; 52 FR 44122, Nov. 18, 1987; 52 FR 46439, Dec. 7, 1987; 72 FR 12983, Mar. 20, 2007; 72 FR 16728, Apr. 5, 2007; 73 FR 54708, 54711, Sept. 23, 2008; 73 FR 69554, Nov. 19, 2008; 77 FR 6467, Feb. 8, 2012; 79 FR 45101, Aug. 4, 2014; 80 FR 42042, July 16, 2015; 82 FR 36084, Aug. 3, 2017]

Supplement *Highlights* references: 42(1), 45(1,2), 52(1), 54(1), 55(1), 56(1).

End of Appendix A

- 9413..... Unspecified anxiety disorder.
- 9416..... Dissociative amnesia; dissociative identity disorder.
- 9417..... Depersonalization/derealization disorder.
- 9421..... Somatic symptom disorder.
- 9422..... Other specified somatic symptom and related disorder.
- 9423..... Unspecified somatic symptom and related disorder.
- 9424..... Conversion disorder (functional neurological symptom disorder).
- 9425..... Illness anxiety disorder.
- 9431..... Cyclothymic disorder.
- 9432..... Bipolar disorder.
- 9433..... Persistent depressive disorder (dysthymia).
- 9434..... Major depressive disorder.
- 9435..... Unspecified depressive disorder.
- 9440..... Chronic adjustment disorder.
- 9520..... Anorexia nervosa.
- 9521..... Bulimia nervosa.

DENTAL AND ORAL CONDITIONS

- 9900..... Maxilla or mandible, chronic osteomyelitis, osteonecrosis, or
osteoradionecrosis of.
- 9901..... Mandible, loss of, complete.
- 9902..... Mandible loss of, including ramus, unilaterally or bilaterally.
- 9903..... Mandible, nonunion of, confirmed by diagnostic imaging studies.
- 9904..... Mandible, malunion.
- 9905..... Temporomandibular disorder (TMD).
- 9908..... Condylod process.
- 9909..... Coronoid process.
- 9911..... Hard palate, loss of.
- 9913..... Teeth, loss of.
- 9914..... Maxilla, loss of more than half.
- 9915..... Maxilla, loss of half or less.
- 9916..... Maxilla, malunion or nonunion of.
- 9917..... Neoplasm, hard and soft tissue, benign.
- 9918..... Neoplasm, hard and soft tissue, malignant.

[29 FR 6718, May 22, 1964, as amended at 34 FR 5064, Mar. 11, 1969; 52 FR 44122, Nov. 18, 1987; 53 FR 24938, July 1, 1988; 59 FR 2528, 2530, Jan. 18, 1994; 72 FR 12990, Mar. 20, 2007; 73 FR 54708, 54711, Sept. 23, 2008; 74 FR 18467, Apr. 23, 2009; 77 FR 6467, Feb. 8, 2012; 79 FR 45102, Aug. 4, 2014; 82 FR 36085, Aug. 3, 2017]

Supplement *Highlights* references: 42(1), 45(1,2), 48(1), 52(1), 54(1), 56(1).

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Vulva disease or injury of	7610
Weak foot	5277

[29 FR 6718, May 22, 1964, as amended at 34 FR 5064, Mar. 11, 1969; 52 FR 44122, Nov. 18, 1987; 53 FR 24938, July 1, 1988; 59 FR 2528, 2530, Jan. 18, 1994; 72 FR 13003, Mar. 20, 2007; 73 FR 54708, 54712, Sept. 23, 2008; 73 FR 69554, Nov. 19, 2008; 74 FR 18467, Apr. 23, 2009; 77 FR 6467, Feb. 8, 2012; 79 FR 45103, Aug. 4, 2014, 82 FR 36085, Aug. 3, 2017]

Supplement *Highlights* references: 42(1), 45(1,2), 48(1), 52(1), 54(1), 56(1).

End of Appendix C